

IN RE: PETITION FOR VARIANCE  
W/S Denrob Court, 422' E of the  
c/l of Goldenrod Lane  
(9735 Denrob Court)  
11th Election District  
6th Councilmanic District

Herbert L. Ryan, III  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-495-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 9735 Denrob Court, located in the vicinity of Magledt Road in Parkville. The Petition was filed by the owner of the property, Herbert L. Ryan, III. The Petitioner seeks relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be located in the side yard within 6 feet of the front foundation line of the dwelling in lieu of the required distance of 8 feet from the front foundation line of the dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Herbert Ryan, property owner, Ida Ross, and the Petitioner's attorney, Henry Belsky, Esquire. No one appeared in protest of the request, however, several letters of opposition were received from nearby residents, including the adjoining property owners to the rear of the property, Charles and Theresa Linkowich.

Testimony and evidence offered revealed that the subject property consists of 7,009.65 sq.ft., zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioner recently purchased a 30-foot motor home

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Date

By

Magledt Road

which he is desirous of storing in the west side yard of his property, off an existing concrete paved driveway as shown on Petitioner's Exhibit 1. Due to the topography of the property to the rear of the site, it is impossible to park the vehicle 8 feet from the front foundation wall of the dwelling as required. Thus, the requested variance is necessary. Testimony revealed that the Petitioner widened the existing driveway with crusher run and extended this crusher run along the west side of the property to the rear of the dwelling to provide a parking area for this vehicle. Further testimony indicated that due to the steep grade of the property, the Petitioner built a retaining wall from the rear of the dwelling to the west side property line in order to provide structural support for the motor home. The Petitioner testified that this retaining wall was inspected by the County and was found to be structurally sound. In support of his request for variance, the Petitioner argued that he could park this vehicle in front of his house on the street as a matter of right; however, due to its large size and the curvature of the street, parking of this vehicle out front could create a safety hazard as well as an unpleasant streetscape.

As noted above, numerous residents from the surrounding community, including the adjoining property owner, submitted letters of opposition to the requested relief. However, no one appeared at the hearing to substantiate the concerns raised in their letters, which mainly focused on the extensive exhaust fumes they felt might emanate from this vehicle. Furthermore, there were no adverse comments from any Baltimore County reviewing agency. While, I can appreciate the valid concerns raised by these neighbors, none were significant to warrant a denial of the requested variance. As noted above, the Petitioner could park this vehicle on the street

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by

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in front of his house as a matter of right. However, he wishes to park it on the side of his property, which is permitted provided the 8-foot setback requirement can be met. The fact that the motor home will sit just 6 feet from the front foundation wall is irrelevant to the objections raised by the neighbors. But for the severe slope of the property to the rear of this site, the Petitioner would not have needed a variance. Furthermore, in the opinion of this Deputy Zoning Commissioner, the proposed location of the motor home will not cause any detriment to the adjoining property owners or other residents in the community. Thus, it appears the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

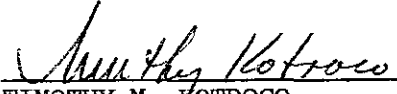
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15<sup>th</sup> day of July, 1996 that the Petition for Variance seeking relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be located in the side yard within 6 feet of the front foundation line of the dwelling in lieu of the required distance of 8 feet from the front foundation line of the dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the 30-foot motor home which was the subject of this hearing. In the event the Petitioners should replace their motor home with another similar recreational

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Date 7/26/96  
By [Signature]

vehicle, the replacement vehicle shall be no greater than 30-feet in length.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

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IN RE: PETITION FOR VARIANCE  
W/S Denrob Court, 422' E of the  
c/l of Goldenrod Lane  
(9735 Denrob Court)  
11th Election District  
6th Councilmanic District

Herbert L. Ryan, III  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-495-A  
\*

\* \* \* \* \*

AMENDED ORDER

This matter came before the Deputy Zoning Commissioner on a Petition for Variance filed by the owner of the property, Herbert L. Ryan, III, through his attorney, Henry Belsky, Esquire. The Petitioner sought relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be located in the side yard within 6 feet of the front foundation line of the dwelling in lieu of the required distance of 8 feet from the front foundation line of the dwelling.

The relief requested was granted by Order issued July 15, 1996, subject to certain restrictions. Subsequent to the issuance of said Order, I received a letter dated July 23, 1996 from Ms. Theresa Linkowich, the adjoining property owner, requesting a modification of my decision. Her letter was treated as a Motion for Reconsideration, which allows for a stay of the appeal period pending a decision on her request. Specifically, Ms. Linkowich resides to the rear of the subject property and she is concerned that the motor home in question is parked too close to the rear of the Petitioner's property and might roll down the severe slope of his rear yard and crash into her rear yard and home. Ms. Linkowich has requested that Mr. Ryan be permitted to park his vehicle closer to the front foundation wall of his home than was allowed, thereby moving it further from the rear yard of her property. Furthermore, Ms. Linkowich requested

ORDER RECEIVED FOR FILING

Date

By

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that the Petitioner be required to install wheel stops on his crusher run driveway to prevent the motor home from accidentally rolling back and over the retaining wall and crashing down into the rear yard of the Linkowich property and Ms. Linkowich's home.

After considering all of the concerns raised in her letter, I am inclined to grant her request for modification. Therefore, I will modify my previous decision to allow the Petitioner to park his motor home even with the front foundation wall of his dwelling. As such, the relief granted shall be modified to permit a setback of 0 feet from the front foundation of the dwelling in lieu of the 6-foot setback requested. The Petitioner shall also be required to install wheel stops of sufficient size and construction to stop his motor home from accidentally rolling back and possibly over the retaining wall at the rear of his property and into the rear yard and home of Ms. Linkowich.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20<sup>th</sup> day of August, 1996 that the Order issued July 15, 1996 in the above-captioned matter be and the same shall hereby be AMENDED to GRANT a variance from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be located in the side yard, 0 feet from the front foundation line of the dwelling in lieu of the required distance of 8 feet from the front foundation line of the dwelling; and,

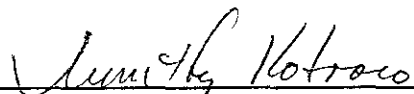
IT IS FURTHER ORDERED that the Petitioner shall install wheel stops of sufficient size and construction to prevent the motor home from rolling back and possibly over the retaining wall to the rear of his property; and,

ORIGINAL RECEIVED FOR FILING  
Date 8/20/96  
By [Signature]

IT IS FURTHER ORDERED that the Petitioner shall at all times park the motor home such that the front bumper of the vehicle is even with the front foundation wall of the dwelling to allow for sufficient space behind the vehicle for the installation of the required wheel stops; and,

IT IS FURTHER ORDERED that except for the modified relief granted herein, all other terms and conditions of the Order issued July 15, 1996 shall remain in full force and effect; and,

IT IS FURTHER ORDERED that any appeal of this amended decision shall be done within thirty (30) days of the date of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Herbert L. Ryan, III  
9735 Denrob Court, Baltimore, Maryland 21234

Henry Belsky, Esquire, Schlachman, Belsky & Weiner  
207 E. Redwood Street, 9th Floor, Baltimore, Md. 21202

Mr. & Mrs. Charles Linkowich  
9770 Red Clover Court, Baltimore, Md. 21234

People's Counsel; Case File

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Date

By

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 15, 1996

(410) 887-4386

Mr. Herbert L. Ryan, III  
9735 Denrob Court  
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE  
W/S Denrob Court, 422' E of the c/l of Goldenrod Lane  
(9735 Denrob Court)  
11th Election District - 6th Councilmanic District  
Herbert L. Ryan, III - Petitioner  
Case No. 96-495-A

Dear Mr. Ryan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotrow".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Charles Linkowich  
9770 Red Clover Court, Baltimore, Md. 21234

People's Counsel

File

MICROFILMED





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-495-A

9735 Denrob Court 21234

which is presently zoned Residential

DRS.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415A.1.A; BCZR, TO PERMIT

A RECREATIONAL VEHICLE TO BE LOCATED IN THE SIDE YARD WITHIN 6' OF THE FRONT FOUNDATION LINE OF THE DWELLING IN LIEU OF THE REQUIRED 8'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Due to the incline/grade and size of the property, and location of the existing dwelling, it is physically impossible to place a driveway/parking pad in a manner so as to park my RV 8' back from the front wall of the house. While it could be parked on the street, due to the size of the RV (30' long x 102" wide), and the curvature of the street, it would provide a safety hazard, and a visually unpleasant streetscape.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Herbert Leo Ryan, III

(Type or Print Name)

Signature

(Type or Print Name)

Signature

9735 Denrob Court H-882-9715 (days)  
Address W 396-2411 (night)

Baltimore, Maryland 21234  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

6-12-98

493

Printed with Soybean Ink  
on Recycled Paper

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ORDER RECEIVED FOR FILING

Date

By

ZONING DESCRIPTION

96-495-A

*Zoning description for 9735 Denrob Court*

Beginning at the point on the west side of Denrob Court, which is 50 feet wide at the distance of 422.58 feet east of the centerline of the nearest improved intersecting street, Goldenrod Lane, which is 50 feet wide. Being Lot #2, Block C, Section # 1 in the subdivision of Cloverfield Manor as recorded in Baltimore County Plat Book #53, Folio #90, containing 7009.65 square feet. Also known as 9735 Denrob Court and located in the 11th Election District, 6th Councilmanic District.

493

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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

96-495-A

District 16th  
Posted for: Vonaco  
Petitioner: Herbert Leo Ryan, III  
Location of property: 9735 Denrobic, w/s  
Location of Signs: Facing road way on property being zone'd  
Remarks: \_\_\_\_\_  
Posted by M. Healy Signature \_\_\_\_\_ Date of return: 6/28/96  
Number of Signs: 1

MICROFILMED

BALTIMORE COUNTY, MARYLAND 493 No. 000826  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS - SH RECEIPT 96-495-A  
DATE 6-12-96 ACCOUNT REC-6150

AMOUNT \$ 85.00

RECEIVED FROM: HERBERT RYAN, III 9735 DENROBIC  
FOR: VAR. (010) 50.00  
Posting (080) 35.00

MICROFILMED 85.00

VALIDATION OR SIGNATURE OF CASHIER  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
JKM

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #86-485-A  
(Item 483)

9735 Denrob Court 422' +/-  
E of cd Goldenrod Lane  
11th Election District  
6th Councilmanic  
Legal Owner(s):  
Herbert Leo Ryan, III

Variance: to permit a recreational vehicle to be located in the side yard with 5 feet of the front foundation line of the dwelling in lieu of the required 8 feet.

Hearing: Friday, July 12, 1986  
at 11:00 a.m. in Rm. 106,  
County Office Building.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3383.  
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

6/29/86 June 27 082784

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 6/27, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/27, 1986.

**THE JEFFERSONIAN,**

*A. J. ...*

**LEGAL AD. - TOWSON**

*A. H. ...*

**MICROFILMED**



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 493 Petitioner: HERBERT L. RYAN, III

Location: 9735 DENROB CT.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: HERBERT LEO RYAN, III

ADDRESS: 9735 DenROB CT  
BALTO., MD 21234

PHONE NUMBER: 882 9715

TO: PUTUXENT PUBLISHING COMPANY  
June 27, 1996 Issue - Jeffersonian

Please forward billing to:

Herbert Leo Ryan, III  
9735 Denrob Court  
Baltimore, Maryland 21234  
882-9715

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#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-495-A (Item 493)  
9735 Denrob Court  
W/S Denrob Court, 422' +/- E of c/l Goldenroad Lane  
11th Election District - 6th Councilmanic  
Legal Owner(s): Herbert Leo Ryan, III

Variance to permit a recreational vehicle to be located in the side yard with 6 feet of the front foundation line of the dwelling in lieu of the required 8 feet.

HEARING: FRIDAY, JULY 12, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 20, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-495-A (Item 493)  
9735 Denrob Court  
W/S Denrob Court, 422' +/- E of c/l Goldenroad Lane  
11th Election District - 6th Councilmanic  
Legal Owner(s): Herbert Leo Ryan, III

Variance to permit a recreational vehicle to be located in the side yard with 6 feet of the front foundation line of the dwelling in lieu of the required 8 feet.

HEARING: FRIDAY, JULY 12, 1996 at 11:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Herbert Leo Ryan, III

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 5, 1996

Mr. Herbert Leo Ryan, III  
9735 Denrob Court  
Baltimore, MD 21234

RE: Item No.: 493  
Case No.: 96-495-A  
Petitioner: Herbert Leo Ryan, III

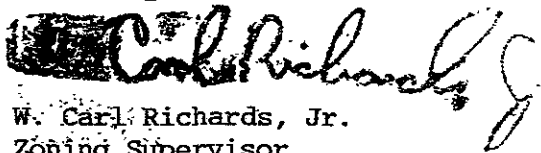
Dear Mr. Ryan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 12, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

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**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

6-21-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 493 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*for Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: June 19, 1996

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

*476, 9nd.*  
Item No. Nos. 490, 492, 493, 494, 495, 496, 498, and 499

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey Long*

Division Chief:

*Cam L. Kerns*

PK/JL

ENCLOSURE

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 6/27/96

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: For July 1, 1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

490

492

493

494

495

496

498

499

RBS:sp

BRUCE2/DEPRM/TXTSBP

UNRECORDED

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 06/26/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 24, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 490, 491, 493, 494, 495, 496, 497, 498 and 499.

2 1996

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

**MICROFILMED**

cc: File

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



September 23, 1996

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

Ms. Theresa Linkowich  
9770 Red Clover Court  
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE  
9735 Denrob Court - Herbert L. Ryan, III - Petitioner  
Case No. 96-495-A

Dear Ms. Linkowich:

I am in receipt of your letter dated July 23, 1996 (received in this office on September 18, 1996) concerning the above-captioned matter. You have requested a second modification to the Order issued in this case.

As you know, Mr. Ryan came before me seeking a variance that would permit him to park his motor home in his side yard, 6 feet from the front foundation wall of his dwelling in lieu of the required 8 feet. For the reasons set forth in my original opinion, I granted his request. At your request, however, I amended my decision to grant a variance of 0 feet in lieu of the required 8 feet so that Mr. Ryan could park his motor home even with the front foundation wall of his dwelling. You now come before me seeking further relief that would permit this motor home to be parked 10 feet forward of the front foundation wall of Mr. Ryan's house.

As stated previously, Mr. Ryan is permitted by right to park this vehicle on the street in front of his home, or seek variance relief that would permit the parking of this vehicle in his side yard, provided certain criteria are met. I agree with Mr. Ryan that parking this vehicle on Denrob Court could create a safety hazard as well as an unsightly view.

In my view, this vehicle will be visible to you from your home, regardless of whether it is parked even with the front foundation wall of Mr. Ryan's home or 10 feet forward therefrom. Thus, I can find no justification for granting your second request for modification.

As to the installation of the required wheel stops, there was no time frame specified as to when such installation should take place. By copy of this letter to Mr. Ryan, however, I will request that the installation of these wheel stops be accomplished in a timely fashion.

Very truly yours,

MICROFILMED

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner

cc: Mr. Herbert L. Ryan, III  
9735 Denrob Court, Baltimore, Md. 21234

Case File

RE: PETITION FOR VARIANCE  
9735 Denrob Court, W/S Denrob Court,  
422'+/- E of c/l Goldenroad Lane  
11th Election District, 6th Councilmanic

Herbert Leo Ryan, III  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-495-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Herbert Leo Ryan, III, 9735 Denrob Court, Baltimore, MD 21234, Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

MICROFILMED

9770 Red Clover Ct.  
Baltimore, MD 21234  
July 23, 1996

Baltimore County Government  
Deputy Zoning Commissioner  
Office of Planning and Zoning  
Suite 112 Courthouse  
400 Washington Ave.  
Towson, MD 21204

Dear Mr. Kotroco:

I am requesting a modification to your August 20, 1996 decision. I am requesting that the Recreational Vehicle be parked 10 feet in front of the dwelling, instead of a 0 set-back. I have tried desperately for the last several weeks to get accustomed to looking at a trailer from every room in my home and cannot. All the neighbors on our side of the street tell me that they feel very sorry for me! It is ironic that the trailer is all that I see from my home and they do not view it at all from Mr. Ryan's home. I have enclosed pictures for you. Because of its size and it is sitting in "air space" I cannot even plant a tree/shrub or build something to block its view. Also, you stated in your August 20 decision that wheel stops be installed in the crush and run so that it would not crash into my back yard. This has yet to be done.

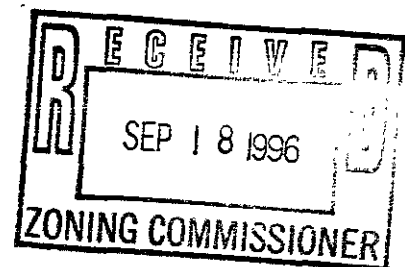
Before you make your final ruling, will you PLEASE come to my home and check out my back yard! PLEASE!

Sincerely,

  
Theresa Linkowich

Enclosures

Home 882-4831  
work 965-4873

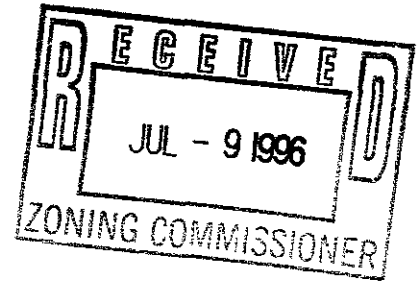


ENCLOSURE



9770 Red Clover CT  
Baltimore, MD 21234

July 2, 1996



Zoning Commissioner  
400 Washington Ave.  
Towson, MD 21204

REF. CASE # 96-495A  
at Address 9735 Denrob CT., Balto., MD 21234

VARIANCE to allow RV six-foot setback.

Mr. Commissioner:


We are opposed to the above case and would have been in attendance at the hearing today but we had made plans and had a non-refundable deposit on a vacation home in Myrtle Beach. However, we are strongly opposed to the above case because the exhaust fumes from the RV, when backed-in, will create a danger for us and our children; my son who has asthma and other upper respiratory problems. The fatal exhaust fumes will permeate our yard and house because of the lay of the ground and closeness of the houses. The back of the RV will be less than fifteen-feet (15 ft) from our yard. We have only 20 feet of rear yard. This would make our rear yard and deck useless to us and depreciate our property value.

In addition, the RV is about 15 feet above the rear grade-level of our yard (See photo attached). Approximately, a five foot high retaining wall was constructed to keep the RV parking area rear level with the front; the back wheels butt against the wall and overhangs by about another 8 feet and then the exhaust pipe sticks out about another foot, a direct pipeline to my back yard and kitchen window. Mainly, we are asking you to determine if this wall is safe and constructed to the standards necessary to keep the RV from coming crashing into our rear yard and endangering all that may be there, and that the fumes will not endanger our health.

Mr. Commissioner we are only concerned for our safety and those that visit us.

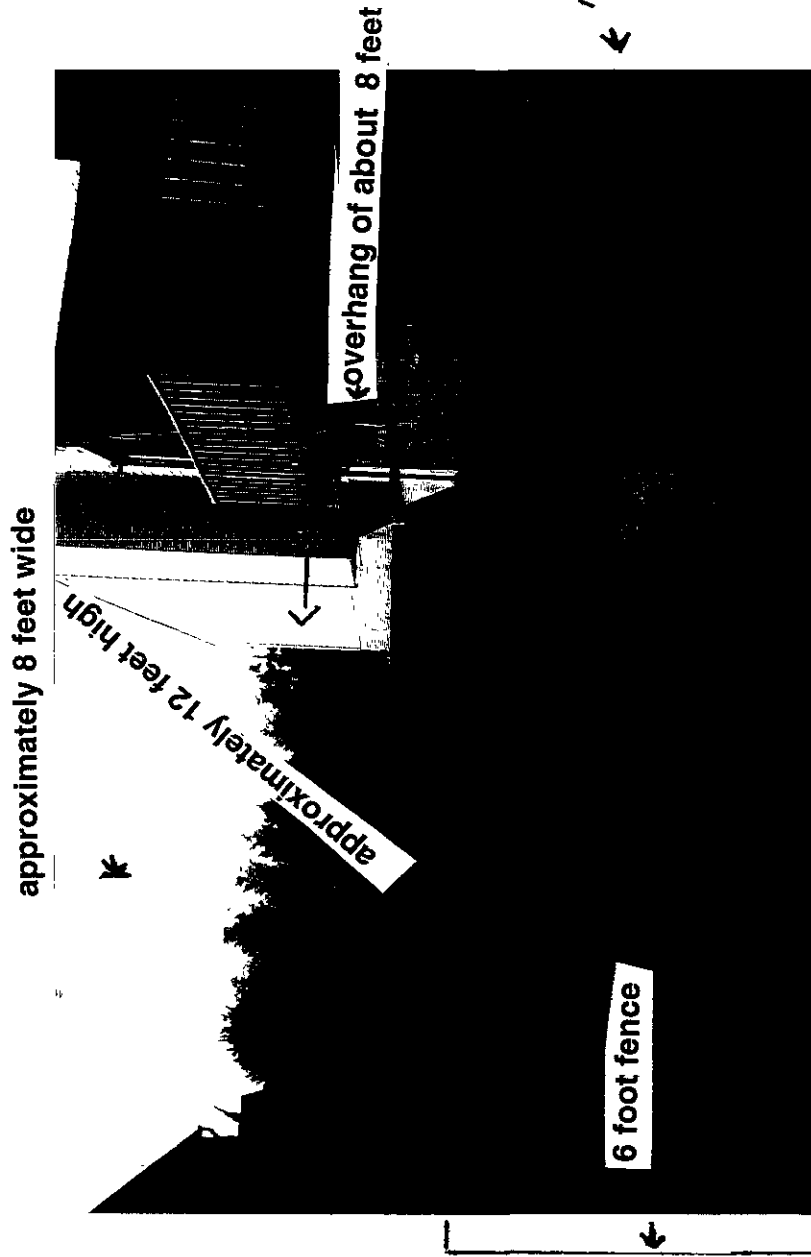
Thank You,

  
Charles Linkowich

  
Theresa Linkowich

MICROFILMED

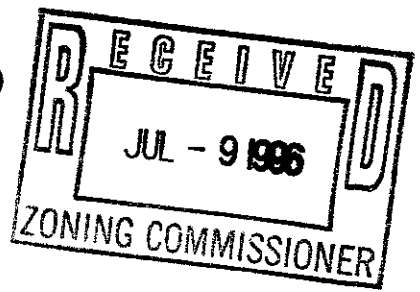
# 35 FOOT RECREATIONAL VEHICLE



WEIGHS ABOUT 10,000 POUNDS

MICROFILMED

Measurements quoted by Annapolis RV Center, Inc., 2027 Industrial Drive, Annapolis, Maryland, Phone Number 974-8000.



9772 Red Clover Court  
Baltimore, MD  
21234

3 July 1996

Zoning Commissioner  
400 Washington Ave.  
Towson, Md 21204

Ref: Variance Case # 96-495A

Sir/Madam,

This letter is written as a formal protest to the above mentioned zoning variance which has been requested in my neighborhood. The variance requests relief of the 8-foot requirement setback from the front of the house for parking an RV next to a house, to a 6-foot setback. This relief should not be granted because of the grief parking of this vehicle at this spot will have on the neighborhood.

In order to accomodate the 35-foot long RV, the grading on the owner's property has been illegally drastically altered by building a 5-foot high unengineered retaining wall and backfilling with crush and run and dirt. No weep holes were installed. In my opinion, this construction will not endure the effects of the weight of the RV combined with normal storm runoff pressures against the wall. When this wall collapses it will do serious damage to it's owner's proprety, but also to the property of two neighbor's properties, and could conceivably cause bodily injury.

The lots in the community are extremely small. In order to meet the new 6-foot setback, the owners of the RV will need to park the vehicle at the very rear of the backfilled area with the wheels at the very edge and the body of the vehicle overhanging by about 8 feet. It will actually project out past the back of their house by a few feet. With the houses behind being naturally already graded about 10 feet below the grade of the RV owners property, it will be an eyesore to the community and will certainly effect property values.

It is with deep concern for the health and welfare of my community that I strongly request that you reject the request for variance.

Sincerely,

  
Thomas F. Mihm

RECEIVED

9764 Red Clover Ct.  
Baltimore, MD 21234



Zoning  
400 Washington Ave.  
Towson, MD 21204  
Variance Case #96-495A

I am opposed to the Zoning Variance at 9735 Denrob Court because it poses a health and safety risk to our community.

Our neighborhood is a relatively new community and is home to many young families and many have children. I am sure the owner of the Recreational Vehicle is unaware of the potential of harm that may result from parking the RV where he intends to. The RV will be parked on a 5-foot retaining wall filled with crush and run, back filled with dirt. The wheels butt against it and overhangs by about 8 feet sitting up above the grade level about 15 feet. If he makes an error in judgement while parking the vehicle, he could seriously injury or kill someone in our back yards. The yards are all connected by heavy wooden fences that would surely cave in. In addition, I am concerned about the risk involved with the fumes that would permeate our back yards, where our children play.

Unfortunately, the property on Red Clover Court, the street behind Denrob Court, is much lower than Denrob Court, and a 35-foot RV parked dangerously above grade level poses a risk to everyone who lives behind it. Its appearance, also would decrease our property value.

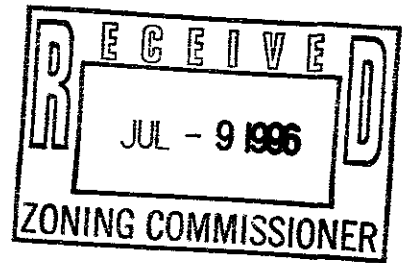
I am concerned for the health and well being of my community.

Sincerely,

*I believe there is an empty lot across the street where the RV could be parked and not have this problem.*

MICROFILMED

9768 Red Clover Ct.  
Baltimore, MD 21234



Zoning  
400 Washington Ave.  
Towson, MD 21204  
Variance Case #96-495A

I am opposed to the Zoning Variance at 9735 Denrob Court because it poses a health and safety risk to our community.

Our neighborhood is a relatively new community and is home to many young families and many have children, as I do. I live behind where the Recreational Vehicle will be parked and I am concerned for the safety of my son and his friends. If the RV were to break free, my son would be surely injured if not killed. We have a play house in our back yard were many of the neighborhood children play.

I am sure the owner of the Recreational Vehicle is unaware of the potential of harm that may result from parking the RV where he intends to. The RV will be parked on a 5-foot retaining wall filled with crush and run, back filled with dirt that is already settling due to the heavy rainfalls. The wheels will butt against it and overhang by about 8 feet sitting up above the grade level about 15 feet. If he makes an error in judgement while parking the vehicle our community could pay dearly with one of our children. The yards are all connected by heavy wooden fences that would surely cave in. The carbon dioxide fumes are also a major factor as my yard is much lower than his and will permeate downward where the children play.

Unfortunately, the property on Red Clover Court, the street behind Denrob Court, is much lower than Denrob Court, and a 35-foot RV parked dangerously above grade level poses a risk to everyone who lives behind it. Its appearance, also would decrease our property value.

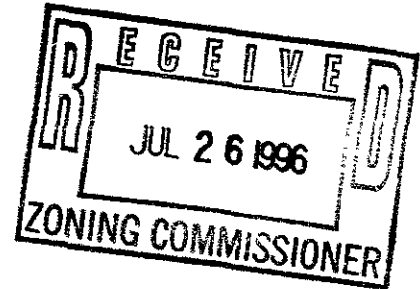
I am concerned for the health and well being of my community.

Sincerely,

MICROFILMED

9770 Red Clover Ct.  
Baltimore, MD 21234  
July 23, 1996

Baltimore County Government  
Deputy Zoning Commissioner  
Office of Planning and Zoning  
Suite 112 Courthouse  
400 Washington Ave.  
Towson, MD 21204



Dear Mr. Kotroco:

Thank you for taking the time to listen to my concerns about the location of Mr. Ryan's Recreational Vehicle (RV). As we discussed, with the vehicle parked 10 to 12 feet forward and chocks placed under the wheels, it would alleviate my anxiety and fears and probably would benefit Mr. Ryan. Also, by parking the RV forward, Mr. Ryan's chimney would lessen the impact from the RV in case of an accident. As I stated to you, I have been a nervous wreck since Friday when Mr. Ryan first parked the RV. I am so relieved that you have the authority to have the RV parked closer to the front of the house as are many of my other neighbors, who share my anxiety.

Unfortunately, my fears are based on a personal tragedy that happened in my family just four short years ago, the death of my sister's father-in-law who was run over by his own RV. Enclosed is a copy of that article.

Wednesday, when I received your letter, I was extremely upset. The ruling stated that the County had inspected the wall and found it to be structurally sound. I contacted Mr. Richard Ross, telephone number 887-4387, the zoning building inspector assigned to the Carney area. He stated that County zoning had not inspected the retaining wall nor had a building permit been filed. Shortly after that, I called you in desperation.

I also received a letter from Mr. Ryan (copy enclosed) as did every neighbor who wrote in opposition. However, I have found several inaccuracies in what was stated in the letter. They are as follows:

- 1) The Environmental Protection Agency (887-3775) states that breathing emissions from any vehicle is harmful.
- 2) The RV is pulled back to the rear of the driveway/retainer wall overhanging about 8 feet suspended in the air nearly 15 feet.
- 3) An engineered wall is not on file with Baltimore County nor was a building permit obtained and there are no weep holes in the retainer wall and it is more than 28 inches. I have also enclosed a copy of my plot plan that shows that a drainage easement is directly between the

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property lines.

Another item in the order of concern is that it states that Denrob Court is a curved street and due to the size of the RV, it would be an unpleasant street scape and a safety hazard. Mr. Kotroco, the most appropriate place would be in front of Mr. Ryan's home, the street is flat and there is an empty lot directly across the street. No one at all would be affected.

Anyway, as long as the vehicle is parked closer to the front of the driveway, it will be on solid ground and will not pose a safety threat to the children of our community. I can feel relieved again. Thank you deeply for your decision. You can reach me anytime at 965-4873 or 882-4831.

Sincerely,



Theresa Linkowich (Petrochko)

Enclosures

*Thank you so much*

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MICROFILMED

# Man killed in freak accident

By Jim Davis

STAFF WRITER

A Fairmont man died yesterday of injuries sustained when a motor home he was apparently working on in his driveway ran over him, city police said.

Robert B. Yost, 57, of 17 Woodside Drive was pronounced dead at Fairmont General Hospital after doctors were unsuccessful in their attempts to revive him, patrolman Bret Cummings said.

"According to a neighbor, he had been working on a motor home and, from what we can tell, it broke loose while he was working on it and ran over him," Cummings said.

"The vehicle then traveled about 40 feet and hit a tree," he added.

The accident happened shortly before 4 p.m. on a sloped driveway outside Yost's home, Cummings said.

The vehicle, a 1973 Chevrolet Open that Yost had purchased five days ago, appeared to be in neutral with the emergency brake set, Cummings said.

"From what I could see, there were no blocks in front of the wheels and no jacks indicating it was jacked up," the patrolman said.

Members of the Marion County Rescue Squad and Fairmont Fire Department also responded to the accident.

**Strike**



9735 Denrob Court  
Baltimore, Maryland 21234  
July 12, 1996

Dear Charlie & Theresa,

We are writing to you out of concern over your letter regarding our petition for a zoning variance to park our RV in our driveway. After reviewing your letter, we felt it was imperative to accurately inform you of our circumstances, as well as address your concerns. It appears that misinformation, and/or viscious rumors, may have insighted fears that are truely unfounded. Even though our petition was approved today, we would like to take the time to explain, and hopefully answer any questions that you may have about the situation. Unfortunately, we were not aware of your concerns until the hearing today, or we could have addressed them at that time, thus possibly saving you from writing a letter.

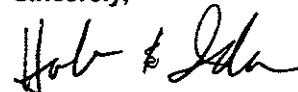
First, our RV is 30 feet, not 35 feet as noted. It certainly does not emit harmful fumes or exhaust, as it is simply a 460 Ford van front-end on a larger chassis. The emmissions would be no different than any van, which simply dissipate in the air. We did check this fact out with the Environmental Protection Agency today. They assured us that the RV poses no threat to the air quality. In addition, we simply park the RV in the driveway, just like a car, meaning that we do not run the engine for any length of time. Also, the RV will not be pulled back with the rear tires at the end of the driveway/ retainer wall, allowing the RV to overhang it too far. We only did that on one occasion to measure the parking space and obtain specifications for our petition.

Second, the retainer wall is constructed from an engineered plan, with more than the required footers, additional shoring, and only 28 inches from ground level. There are weep holes to prevent drainage problems, as evidenced by several torrential rain storms within the past few months that have caused no problems. We obtained a Baltimore County Building Permit, and subsequent to the construction, had a County inspector out to assess the retainer wall, both for compliance with county code and usability. It was deemed more than adequate and safe for it's intended purpose. As the parents of two young boys, and a baby on the way, we are just as concerned with the saftety of our yard as everyone, especially since our children are the most likely ones to be playing there, and rest assured that we are completely confident that the retainer wall will not collapse. Additionally, per the title and Maryland registration, the gross vehicle weight is +3700 pounds, which is not too much more than large trucks or vans.

Third, we carefully planned the construction of, what we consider, an aesthetically pleasing landscape, including trees to obstruct the view into our yard, in consideration of those that may not prefer to directly see the RV. Of course, we realize that not everyone has the same likes and dislikes. We are still in the process of planting, renovating, and detailing the yard. The property value is, of course, of great concern to us too, as we have a vested interest in it.

We hope that this information is helpful to you in re-evaluating the situation, and allaying any of your fears regarding safety issues. If you have any questions, would like to see any of the documentation, and/or would like to more closely inspect the property, please feel free to call us anytime at 882-9715. We would be more than happy to accommodate, and look forward to hearing from you. Hopefully, we can all work together to make this a more pleasant place to live. Thank you for your time.

Sincerely,



Herb and Ida

MICROFILMED.

Justin & Dawna Wandres  
9766 Red Clover Court  
Baltimore, MD 21234

July 5, 1996

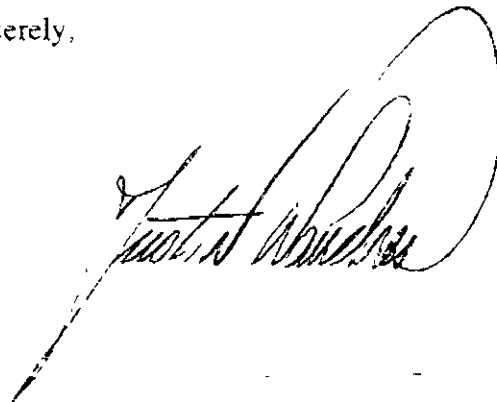
Case #  
96-495-A  
7/12

Zoning  
400 Washington Ave.  
Towson, MD 21204  
Variance Case #96-495A

I am opposed to the zoning variance at 9735 Denrob Ct. because it poses a health and safety risk to the children and neighbors on Red Clover Court. Red Clover Court is the street behind Denrob Court, and our back yards are graded considerably lower. From our back yards we will be looking up at a 35-foot Recreational Vehicle parked dangerously above the grade level of our yards. They have modified the grade level so drastically that the vehicle is well above the 6-foot privacy fence and it appears that the overhang will be about 15 feet above grade level. Also if the vehicle is left running for any length of time, the exhaust fumes may harm our children who play in the back yards of their homes. Our yards are too small for a vehicle of this size. I am also concerned that it will reduce my property value.

Our community is home to many small children. If ever there were an error in judgement or the retaining wall would cave in, it certainly would have been a tragedy that could have been avoided. My main concern is for the safety and health of my family, neighbors and those who visit us.

Sincerely,



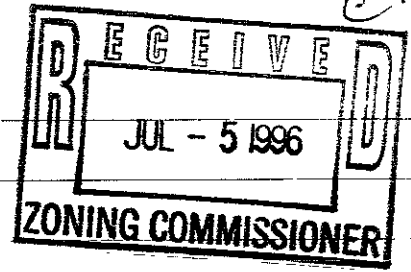
MICROFILMED

7/8/96

8

96-3760

CHG  
for file



ZONING  
CASE 96-495A

PLEASE give consideration to investigating  
the VARIANCE. I live on DENROB AND HAVE children  
who play in the AREA. IF PARKED where intended,  
the RV will be sitting dangerously above grade  
level, what happens if a child is behind it  
AND the WALL collapses?

I CANNOT reveal my name. MR. RYAN  
has been bullying mr + mrs CASTRELLI, <sup>his neighbors,</sup> because of  
their opposition since the purchase

A CONCERNED DENROB NEIGHBOR

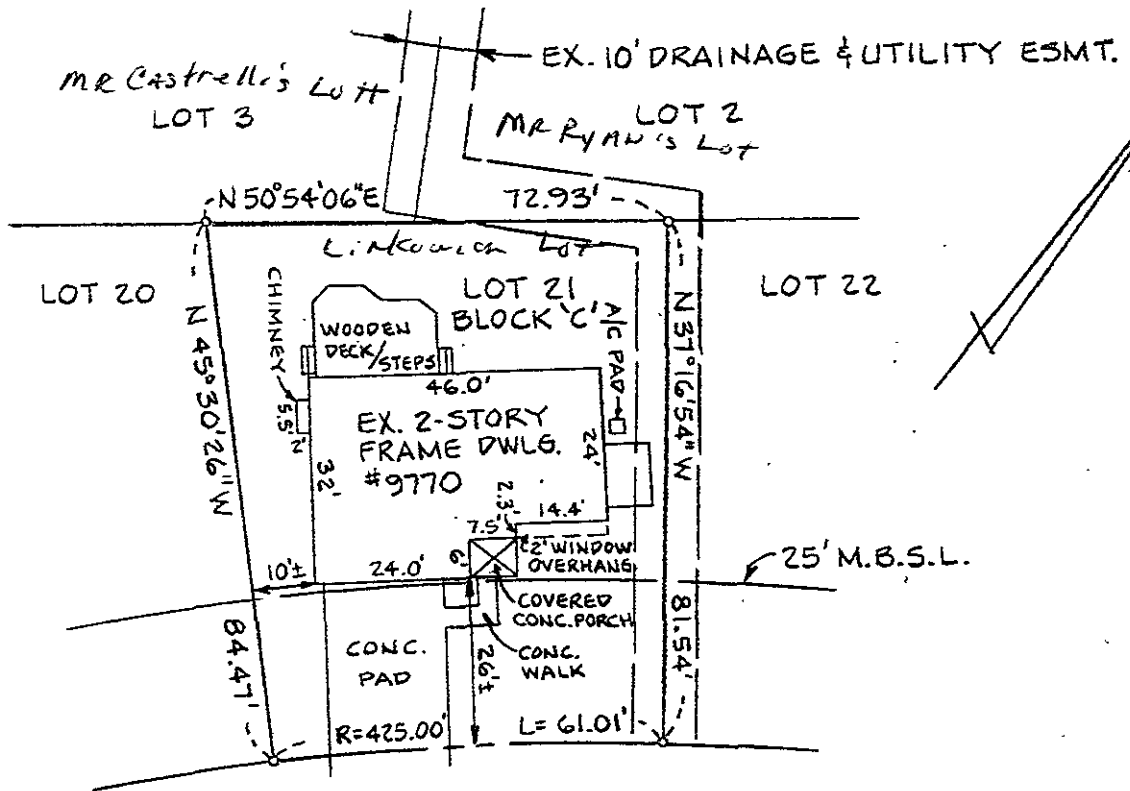
- 1996

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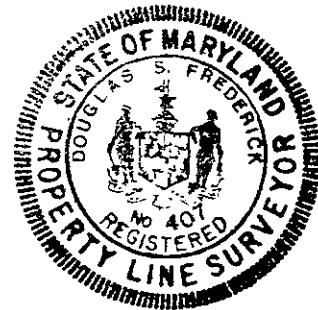
M \_\_\_\_\_  
(NAME)  
*Theresa Linkovich*  
*9770 Red Clover Court*  
*Baltimore, Maryland 21234-1870*  
\_\_\_\_\_  
(CITY) \_\_\_\_\_ (STATE) \_\_\_\_\_ (ZIP CODE)

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
for Baltimore County  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204





RED CLOVER COURT  
(30' PAV., 50' R/W)



REFERENCE LOT (S) 21 PLAT ENTITLED  
"PLAT ONE OF CLOVERFIELD MANOR"  
DATED JANUARY 5, 1985 AND RECORDED  
AMONG THE PLAT RECORDS OF BALTIMORE  
COUNTY, MD. IN PLAT BOOK 53 FOLIO 90

NOTE: THIS PLAT IS NOT INTENDED FOR  
USE IN ESTABLISHING PROPERTY LINES  
AND DOES NOT CONSTITUTE A BOUNDARY  
SURVEY.

THIS IS TO CERTIFY THAT WE HAVE LOCATED  
THE IMPROVEMENTS AND THAT THEY ARE  
LOCATED ON THE LOT(S) AS SHOWN HEREON

*[Signature]*  
REGISTERED NO. 407

5/7/93  
DATE

NOTE: This Property does not  
lie within the limits of a  
flood hazard area as delineated  
on the maps of the national  
flood insurance program.

Map number - 2400100270B

LOCATION CERTIFICATION OF  
#9770 RED CLOVER COURT

11<sup>TH</sup> ELEC. DIST.  
SCALE: 1"=30'

BALTO. CO., MD  
DATE: MAY 6, 1993.

FILE NO. E-7118-93

L.C. #944

**W.D. VALL & ASSOCIATES, INC.**  
530 EAST JOTTA ROAD  
TOWSON, MARYLAND 21286  
PHONE (410) 583-2571

**MICROFILMED**

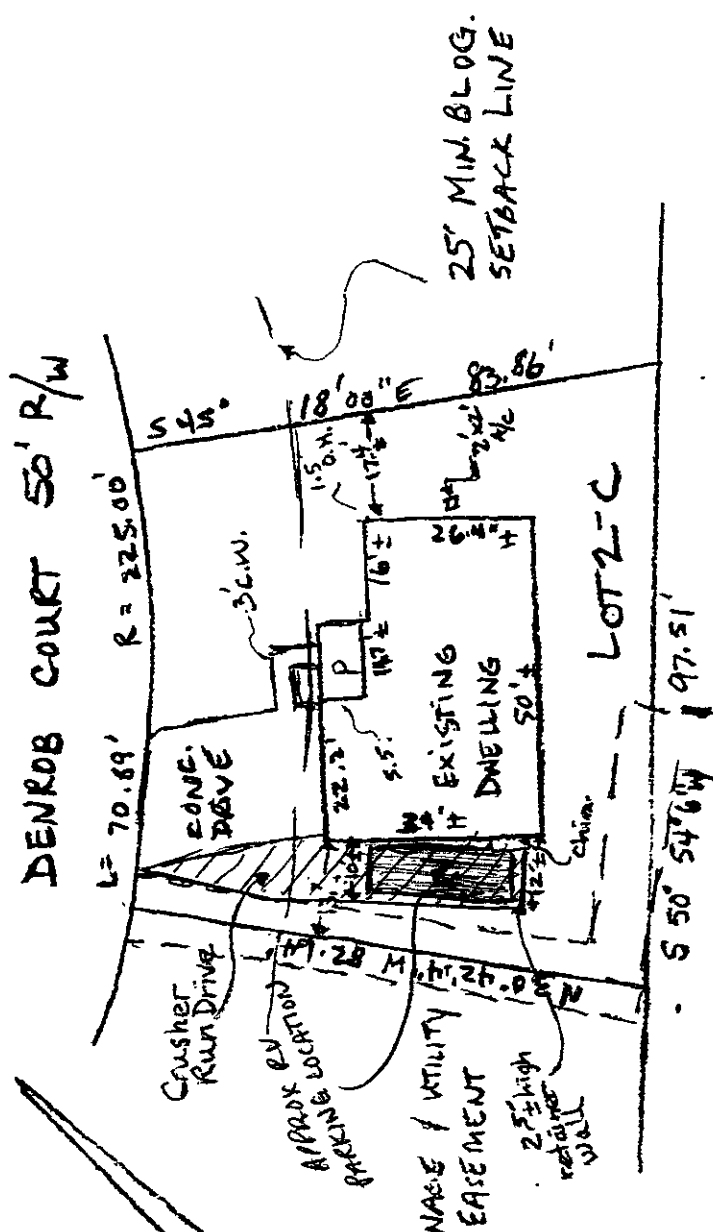
# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9735 Denrob Court see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Cloverfield Manor, 96-495-A

[plat book# 53, folio# 90, lot# 2, section# C]

OWNER: Herbert Leo Ryan III



**PETITIONER'S EXHIBIT NO. 1**



North

date: 4-13-37

prepared by: Development Engineering Consultants, Inc. Scale of Drawing: 1" = 30'

6603 York Rd

BALTO MD 21212

MICROFILMED

## LOCATION INFORMATION

Election District: 11

Councilmanic District: 6

1"-200' scale map#: NE 10-F

Zoning: DR 55

Lot size: 1009.65 acreage

square feet

public private

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: none

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

DCM 493

